

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-681

Appellant(s): Nancy Goodwin

vz. Appellee(s): City/Town of Sheffield
Tom Carmody

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 803.3.2, for 245 North Undermountain Road, Sheffield, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant, Nancy Goodwin of Finegold Alexander Associates, Inc appeared for the hearing representing Berkshire School. Others were present as well as shown on the sign-in sheet on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 803.3.2, after hearing testimony regarding the property. The motion was based on the fact that the building official has no objection to granting the variance and that the concern for the interior use of the material known as AZEK, as trim around a skylight in the Berkshire Hall renovation, is allayed by the limited amount of the material being used. There was a second on the motion and a Board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 803.3.2, is hereby granted as described in the discussion above and so ordered² on this date: December 23, 2008.

Douglas Semple

Brian Gale

William Middlemiss

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.